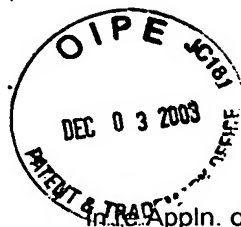


3753



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: T. STATON, et al.
 Appln. No.: 10/040,515
 Filed: December 28, 2001
 For: COMBINATION FITTING
 Attorney Docket No: 10541-759

Examiner: Michael A. Chambers
 Art Unit: 3753

Commissioner for Patents
 U.S. Patent and Trademark Office
 P. O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Provisional Election With Traverse
- ☒ Return Receipt Postcard

Fee calculation and payment:

- ☒ No additional fee is required.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

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 DEC 09 2003
 Group 3700

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity	
Rate	Add'l Fee
x \$9=	
x 43=	
+\$145=	
Total	\$

Other Than Small Entity	
Rate	Add'l Fee
x \$18=	
x \$86=	
+ \$290=	
Total	\$

Fee calculation and payment:

- ☐ A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.
- ☐ Please charge Deposit Account No. 06-1500 (VISTEON GLOBAL TECHNOLOGIES, INC.) in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 06-1500. A copy of this Transmittal is enclosed for this purpose.

December 1, 2003
 Date

Respectfully submitted,

Michael N. Spink

Michael N. Spink (Reg. No. 47,107)
 Attorney/Agent for Applicants

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: December 1, 2003

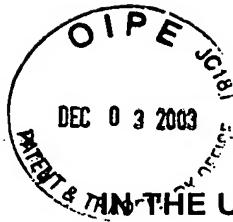
Name: Shelly Kean

Signature:

Shelly Kean

BRINKS
 HOFER
 GILSON
 & LIONE

BRINKS HOFER GILSON & LIONE
 P.O. Box 10395
 Chicago, IL 60610



12-10-03
9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: T. STATON, et al.
Appln. No.: 10/040,515
Filed: December 28, 2001
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Attorney Docket No: 10541-759

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Group 3700

PROVISIONAL ELECTION WITH TRAVERSE

In response to the restriction requirement mailed October 30, 2003 (Paper #8), Applicants provisionally elect Group I (Claims 1-29 and 44-48), but respectfully traverse the restriction requirement.

The Examiner has imposed a restriction requirement under 35 U.S.C. §121 between Group I (Claims 1-29, 44-48) drawn to a combination fitting for regulating fluid flow, and Group II (Claims 30-43) drawn to a method of regulating fluid flow. The Examiner asserts the inventions are distinct because the process as claimed can be practiced by another materially different apparatus. In particular, the Examiner asserts the process can be operated by another apparatus other than that recited in the claims in Group I. The Examiner also asserts that the process of Group II can control fluid flow other than that bypassing of a pump fluid.

First, Applicants note that the mere fact that the process claims can control fluid flow other than that bypassing of a pump fluid is irrelevant to the basis of the restriction requirement. The inventions are distinct if either the process as claimed can be practiced by another materially different apparatus, or the apparatus claimed can be used to practice another materially different process. The fact that the process can control different fluid flows satisfies neither of these requirements.

Second, the Applicants respectfully assert that the process cannot be operated by another apparatus other than that recited in the claims of Group I. The process recites introducing pressurized fluid to a fluid control cylinder having a combination fitting with an internal bore and at least one channel extending radially from the bore. The apparatus claims of Group I likewise recite a combination fitting having at least one channel extending radially from a bore of the fitting.

The apparatus and method claims both have the commonality of a combination fitting having a radially extending channel, and the Applicants therefore respectfully assert that the processes claimed cannot be processed by a materially different apparatus. Specifically, the processes claimed requires the same limitations that are encompassed by the apparatus claims of Group I. For these same reasons, there would also be no undue searching requirements on the Examiner by virtue of this commonality. Reconsideration and withdrawal of the restriction requirement is respectfully solicited.

Applicants note that the Transmittal to which this paper is attached includes a Certificate of Mailing under 37 C.F.R §1.8; and a fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to the deposit account of Applicants' assignee, Visteon Global Technologies, Inc., Deposit Account No. 06-1500.

December 1, 2003

Date

Respectfully submitted,



Michael N. Spink (Reg. No. 47,107)
Attorney/Agent for Applicants